

ORIGINAL

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Attorneys for Defendant
COSTELLO'S TAVERN

FILED
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U.S. DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES DISTRICT COURT--
DISTRICT OF MASSACHUSETTS

CHAPPELL & CO, Inc., IRA GERSHWIN
MUSIC, GEORGE GERSHWIN MUSIC
and WARNER BROS., INC.

Plaintiffs,

v.

COSTELLO'S TAVERN, INC.,

Defendant.

Case No. ED CV 05-10143 (NG)

**NOTICE OF MOTION AND MOTION
OF THOMAS J. GRIFFIN, ESQ. FOR
ADMISSION PRO HAC VICE;
DECLARATION OF THOMAS J.
GRIFFIN; DECLARATION OF
TIMOTHY FLAHERTY**

Date:
Time:
Place:

TO THE COURT, ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that on _____, 2005 at 8:30 a.m., or as soon thereafter as the matter may be heard in _____ of the United States District Court, Eastern District of Massachusetts located at One Courthouseway, Boston, Massachusetts, Timothy Flaherty shall move the Court for an Order admitting Thomas J. Griffin, Esq. to appear and practice before the Court in the above-referenced matter in a Pro Hac Vice capacity. The basis for the granting of the motion is that Mr. Griffin meets all of

1 the standards for Pro Hac Vice admission pursuant to Rule 83.5.3 of the United States
2 District Court for the District of Massachusetts.

3 This motion is based upon the notice, the Memorandum of Points and Authorities, the
4 Declaration of Timothy Flaherty and the Declaration of Thomas J. Griffin, Esq.
5

6 DATED: March 14, 2005

FLAHERTY & FLAHERTY

8
9 By:



PRO No. 557477

TIMOTHY FLAHERTY
Attorneys for Defendant
COSTELLO'S TAVERN, INC.

Nelson & Griffin
TRIAL ATTORNEYS

MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

Plaintiffs filed this action on or about January 25, 2005. It alleges three (3) counts of copyright infringement relating to alleged public performance on defendant's premises of three (3) of plaintiffs' songs. Plaintiffs claim that the alleged performance took place on or about August 15, 2004.

Defendant has retained Thomas J. Griffin, Esq. of the law firm of NELSON ◇ GRIFFIN to provide its defense. However, Mr. Griffin is currently only licensed to practice in the State of California. As a result, the Boston based law firm of FLAHERTY & FLAHERTY has been retained by defendant as associated counsel with NELSON ◇ GRIFFIN. Timothy Flaherty now respectfully appears before the Court to request an Order approving Mr. Griffin's admission Pro Hac Vice before the Court.

II.

ARGUMENT

The United States District Court for the District of Massachusetts specifically permits admission Pro Hac Vice of an attorney licensed in another State provided certain conditions are met. See Rule 83.5.3 of the Local Rules for the United States District Court for the District of Massachusetts. These conditions are:

1. The applicant for admission Pro Hac Vice must be in good standing in every jurisdiction where he has been admitted to practice;
2. There are no disciplinary proceedings pending against him as a member of the bar in any jurisdiction;
3. The attorney is familiar with the Local Rules of the United States District Court for the District of Massachusetts.

Id.

///

1 Where the above-referenced conditions are met, the out-of-state attorney may be
 2 admitted upon motion by a member of the bar of United States District Court for the District
 3 of Massachusetts. Id.

4 In the present action all such conditions are met. Mr. Griffin (1) is in good standing
 5 in every jurisdiction where he has been admitted to practice; (2) there are no disciplinary
 6 proceedings pending against him in any jurisdiction where he is admitted to practice; and (3)
 7 he is familiar with the Local Rules for United States District Court for the District of
 8 Massachusetts.

9 III.

10 CONCLUSION

11 Based upon the foregoing it is respectfully requested that the Court grant the present
 12 motion and permit Mr. Griffin to appear and practice before the Court Pro Hac Vice.
 13

14 DATED: March 17, 2005

FLAHERTY & FLAHERTY

15 By: 

16
 17
 18 TIMOTHY FLAHERTY
 Attorneys for Defendant
 COSTELLO'S TAVERN, INC.

19 BFO No. 557477

Nelson & Griffin
TRIAL ATTORNEYS

DECLARATION OF TIMOTHY FLAHERTY

I, Timothy Flaherty, hereby declare the following:

1. I am an attorney duly licensed to practice law before all of the courts in the State of Massachusetts and am a partner at the Law Offices of FLAHERTY & FLAHERTY, retained as associated attorneys of record for defendant COSTELLO'S TAVERN.

2. I have firsthand, personal knowledge of the facts set forth herein and if called upon to do so, could and would testify competently thereto.

3. I am a member in good standing with the State Bar for the State of Massachusetts, and there are no disciplinary proceedings pending against me in any jurisdiction wherein I am licensed to practice.

4. As a member in good standing for the State Bar of the State of Massachusetts, and an attorney admitted to practice before the United States District Court for the District of Massachusetts, I hereby support and endorse this motion for admission Pro Hac Vice of Thomas J. Griffin, Esq.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 14 day of March, 2005 in Boston, Massachusetts.

 PRO No. 557477
TIMOTHY FLAHERTY, Declarant

Nelson ♦ Griffin
TRIAL ATTORNEYS

DECLARATION OF THOMAS J. GRIFFIN, ESQ.

I, Thomas J. Griffin, hereby declare the following:

1. I am an attorney duly licensed to practice law before all of the courts in the State of California and am a partner at the Law Offices of NELSON ◇ GRIFFIN, retained as attorneys of record for defendant COSTELLO'S TAVERN.

2. I have firsthand, personal knowledge of the facts set forth herein and if called upon to do so, could and would testify competently thereto.

3. In support of my request for admission Pro Hac Vice before the Court I attest that I am competent and qualified for all purposes as required by Rule 83.5.3 of the United States District Court for the District of Massachusetts.

4. Specifically, I am in good standing with the State Bar for the State of California, the only jurisdiction where I have been admitted to practice; (2) there are no disciplinary proceedings pending against me in the State of California; and (3) I am familiar with the Local Rules for United States District Court for the District of Massachusetts.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 9th day of March, 2005 in Los Angeles, California.


THOMAS J. GRIFFIN, Declarant